

## Message Text

CONFIDENTIAL

PAGE 01 CAIRO 11400 01 OF 05 111618Z

43

ACTION L-01

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00

SP-02 EB-03 TRSE-00 OMB-01 NEA-06 /038 W

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R 111517Z NOV 75

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC 7834

C O N F I D E N T I A L SECTION 1 OF 5 CAIRO 11400

LIMDIS

E.O. 11652: GDS

TAGS: EFIN EG

SUBJECT: US CLAIMS AGAINST EGYPT: REQUEST FOR AUTHORIZATION TO  
INITIAL FINAL DRAFT AGREEMENT AD REFERENDUM

REF: CAIRO 10933, 10731, 10633, 10592; STATE 255450; 251410

(SUMMARY: TRANSMITTED HEREINAFTER ARE FINAL DRAFT TEXTS OF 5 (FIVE)  
DOCUMENTS APPROVED BY THE JOINT COMMITTEE AS A WHOLE, CONSTITUTING  
DRAFT AGREEMENT AD REFERENDUM BOTH GOVERNMENTS CONCERNING  
SETTLEMENT OF PRIVATE CLAIMS OF US NATIONALS AGAINST THE GOE, AND  
RESERVING OFFICIAL US GOVT CLAIMS AND CERTAIN OTHER PRIVATE CLAIMS  
OF US NATIONALS FOR SUBSEQUENT NEGOTIATION THROUGH DIPLOMATIC  
CHANNELS:

DOCUMENT 1: DRAFT AGREED MINUTE CONCERNING DRAFT AGREEMENT  
AD REFERENDUM (PARA 1);

DOCUMENT 2: DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF THE  
UNITED STATES OF AMERICAN AND THE GOVERNMENT OF  
THE ARAB REPUBLIC OF EGYPT CONCERNING CLAIMS OF  
NATIONALS OF THE UNITED STATES (PARA 2);

DOCUMENT 3: DRAFT LETTER FROM THE GOVERNMENT OF THE ARAB  
REPUBLIC OF EGYPT TO THE GOVERNMENT OF THE  
UNITED STATES CONCERNING CLAIM OF AMERICAN

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CONFIDENTIAL

PAGE 02 CAIRO 11400 01 OF 05 111618Z

MISSION IN EGYPT (PARA 2);

DOCUMENT 4: DRAFT REPLY FROM THE GOVERNMENT OF THE UNITED STATES  
TO THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT  
(PARA 4), AND

DOCUMENT 5: DRAFT MEMORANDUM OF UNDERSTANDING CONCERNING  
OUTSTANDING CLAIMS (PARA 5).

EMBASSY WOULD APPRECIATE DEPT'S PROMPT REVIEW OF DOCUMENTS  
SUBMITTED AND AUTHORIZATION FOR EMBASSY TO INITIAL DRAFT AGREEMENT  
AD REFERENDUM. AFTER RECEIPT OF DEPT'S APPROVAL AND AUTHORIZATION  
REFERENCED DOCUMENTS IN FINAL FORM WOULD BE PREPARED FOR INITIALLING.  
EMBASSY WOULD INITIALLY ASSUME RESPONSIBILITY FOR CONFORMITY OF  
ENGLISH AND ARABIC VERSIONS OF PERTINENT DOCUMENTS.)

1. DOCUMENT 1: TEXT OF DRAFT AGREED MINUTE CONCERNING DRAFT  
AGREEMENT AD REFERENDUM

QUOTE            DRAFT AGREED MINUTE

REPRESENTATIVES OF THE GOVERNMENTS OF THE UNITED STATES OF AMERICA  
AND OF THE ARAB REPUBLIC OF EGYPT HAVE HELD NEGOTIATIONS IN CAIRO,  
EGYPT, DURING THE PERIODS MARCH 19 - APRIL 9, JULY 3 - AUGUST 9  
AND OCTOBER 15 - , 1975, REGARDING THE SETTLEMENT OF  
PRIVATE CLAIMS OF U.S. NATIONALS AGAINST THE GOVERNMENT OF THE  
ARAB REPUBLIC OF EGYPT.

AS A RESULT OF THESE NEGOTIATIONS, THE CHAIRMEN OF THE RESPECTIVE  
DELEGATIONS OF THE TWO GOVERNMENTS HAVE ON THIS DATE INITIALED THE  
ATTACHED DRAFT AGREEMENT.

THIS DRAFT AGREEMENT IS SUBJECT EXPRESSLY TO THE FURTHER APPROVAL  
OF THE TWO GOVERNMENTS. IT SHALL ENTER INTO FORCE AFTER THE TWO  
GOVERNMENTS HAVE FORMALLY SIGNED THE AGREEMENT AFTER SUCH APPROVAL  
HAS BEEN GIVEN, AND AFTER THE TWO GOVERNMENTS HAVE INFORMED EACH  
OTHER THAT THEIR RESPECTIVE CONSTITUTIONAL REQUIREMENTS HAVE BEEN  
COMPLIED WITH.

DONE AT CAIRO, EGYPT, IN DUPLICATE, IN THE ENGLISH AND ARABIC  
LANGUAGES, BOTH VERSIONS BEING EQUALLY AUTHENTIC, THIS  
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PAGE 03 CAIRO 11400 01 OF 05 111618Z

DAY OF , 1975.

HERMANN F. EILTS            DR. AHMED S. DEWIDAR  
CHAIRMAN OF THE DELEGATION    CHAIRMAN OF THE DELEGATION  
OF THE UNITED STATES OF    OF THE ARAB REPUBLIC OF  
AMERICA            EGYPT

END OF QUOTE

COMMENT: DRAFT AGREED MINUTE HAS BEEN AMENDED TO PROVIDE FOR ITS ENTRY INTO FORCE AFTER FORMAL SIGNATURE ON THE DATE OF EXCHANGE OF NOTES BETWEEN THE TWO GOVERNMENTS CERTIFYING THAT THE RESPECTIVE CONSTITUTIONAL REQUIREMENTS OF THE TWO COUNTRIES HAVE BEEN COMPLIED WITH. EGYPT/DEL STATES THAT AGREEMENT AFTER FORMAL SIGNATURE HAS TO BE SUBMITTED TO THE EGYPTIAN ASSEMBLY FOR APPROVAL BEFORE IT CAN ENTER INTO FORCE. US/DEL IS, OF COURSE, AWARE, THAT UNDER U.S. LAW AND PRACTICE, CLAIMS SETTLEMENT AGREEMENTS HAVE HITHERTO BEEN REGARDED AS EXECUTIVE AGREEMENTS WHICH DO NOT REQUIRE THEIR SUBMISSION TO THE SENATE FOR ITS ADVICE AND CONSENT TO THEIR RATIFICATION. ON PART OF THE USG, THEREFORE, NOTE CERTIFYING COMPLIANCE WITH U.S. CONSTITUTIONAL REQUIREMENTS WOULD BE PRO FORMA AT THE APPROPRIATE TIME.

2. DOCUMENT 3: TEXT OF DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT CONCERNING CLAIMS OF NATIONALS OF THE UNITED STATES.

QUOTE

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT CONCERNING CLAIMS OF NATIONALS OF THE UNITED STATES

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT, BEING DESIROUS OF EFFECTING A SETTLEMENT OF CLAIMS OF NATIONALS OF THE UNITED STATES AGAINST THE ARAB REPUBLIC OF EGYPT, AND DESIRING FURTHER TO ADVANCE FRIENDLY COOPERATION AND BENEFICIAL ECONOMIC RELATIONS BETWEEN THE TWO COUNTRIES, HAVE AGREED AS FOLLOWS:

CONFIDENTIAL

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PAGE 04 CAIRO 11400 01 OF 05 111618Z

ARTICLE I

1. THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT (HEREINAFTER REFERRED TO AS THE EGYPTIAN GOVERNMENT) AGREES TO PAY, AND THE GOVERNMENT OF THE UNITED STATES AGREES TO ACCEPT, THE SUM OF \$10,000,000 (TEN MILLIONS) IN UNITED STATES CURRENCY IN FULL SETTLEMENT AND DISCHARGE OF ALL THE CLAIMS OF NATIONALS OF THE UNITED STATES AGAINST THE EGYPTIAN GOVERNMENT WHICH ARE DESCRIBED IN THIS AGREEMENT.

2. PAYMENT OF THE SUM OF U.S. \$10,000,000 (TEN MILLIONS) BY THE EGYPTIAN GOVERNMENT SHALL BE MADE TO THE SECRETARY OF STATE OF THE UNITED STATES IN SIX SEMI-ANNUAL INSTALLMENTS OF \$1,666,666.66 IN UNITED STATES CURRENCY, WITH THE FIRST INSTALLMENT TO BE PAID ON THE TENTH DAY OF JUNE, AND THE SECOND INSTALLMENT TO BE PAID ON THE TENTH DAY OF JANUARY, AND THEREAFTER ON THE SAME

DATES, COMMENCING ON THE TENTH DAY OF JUNE 1976.

ARTICLE II

1. THE CLAIMS WHICH ARE REFERRED TO IN ARTICLE I, AND WHICH ARE BEING SETTLED AND DISCHARGED BY THIS AGREEMENT, ARE CLAIMS OF NATIONALS OF THE UNITED STATES FOR:

PROPERTY, RIGHTS AND INTERESTS IN EGYPT AFFECTED BY EGYPTIAN MEASURES OF LAND REFORM, SEQUESTRATION, NATIONALIZATION, EXPROPRIATION, CONFISCATION AND OTHER RESTRICTIVE MEASURES AGAINST SUCH PROPERTY,

CONFIDENTIAL

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PAGE 01 CAIRO 11400 02 OF 05 111633Z

43

ACTION L-01

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00

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FM AMEMBASSY CAIRO

TO SECSTATE WASHDC 7835

C O N F I D E N T I A L SECTION 2 OF 5 CAIRO 11400

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RIGHTS AND INTERESTS, AS WELL AS FINANCIAL AND FISCAL MATTERS DECREED BY THE ARAB REPUBLIC OF EGYPT, WHICH OCCURRED SINCE JANUARY 1, 1952, AND BEFORE THE ENTRY INTO FORCE OF THIS AGREEMENT.

2. THE EGYPTIAN GOVERNMENT DECLARES THAT, HAVING REGARD FOR EGYPT'S ESTABLISHED RESPECT FOR ITS OBLIGATIONS UNDER INTERNATIONAL LAW, AND IN VIEW OF PROVISIONS IN SIMILAR AGREEMENTS PREVIOUSLY CONCLUDED BY THE EGYPTIAN GOVERNMENT WITH OTHER GOVERNMENTS, THE LUMP SUM REFERRED TO IN ARTICLE I HAS BEEN ARRIVED AT IN ACCORDANCE WITH APPLICABLE EGYPTIAN LAWS INCLUDING, BUT NOT LIMITED TO, THOSE ENUMERATED HEREINAFTER:

(A) REGARDING LAND REFORM:

LAW NO 127 OF 1961 AS AMENDED.

LAW NO, 15 OF 1963 AS AMENDED.

(B) REGARDING SEQUESTRATION:

EMERGENCY LAW NO. 162 OF 1958, AS AMENDED.

LAW NO. 150 OF 1964.

GENERAL SEQUESTRATION LAWS AND DECREES.

(C) REGARDING NATIONALIZATION:

LAWS NOS. 117, 118 AND 119 OF 1961 AND SIMILAR

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PAGE 02 CAIRO 11400 02 OF 05 111633Z

COMPLETE OR PARTIAL NATIONALIZATION LAWS  
ISSUED IN THE ARAB REPUBLIC OF EGYPT.

(D) REGARDING EXPROPRIATION FOR PUBLIC UTILITIES:

LAW NO. 577 OF 1954.

(E) REGARDING FINANCIAL AND FISCAL MATTERS:

APPLICABLE LAWS, DECREES AND REGULATIONS.

ARTICLE III

FOR THE PURPOSES OF THIS AGREEMENT:

THE TERM "NATIONAL OF THE UNITED STATES" MEANS (A) A NATURAL PERSON WHO IS A CITIZEN OF THE UNITED STATES, OR WHO OWES PERMANENT ALLEGIANCE TO THE UNITED STATES, AND (B) A CORPORATION OR OTHER LEGAL ENTITY WHICH IS ORGANIZED UNDER THE LAWS OF THE UNITED STATES, ANY STATE OR TERRITORY THEREOF OR THE DISTRICT OF COLUMBIA, IF NATURAL PERSONS WHO ARE NATIONAL OF THE UNITED STATE OWN, DIRECTLY OR INDIRECTLY, MORE THAN 50 PER CENTUM OF THE OUTSTANDING STOCK OR OTHER BENEFICIAL INTEREST IN SUCH LEGAL ENTITY.

ARTICLE IV

THE DISTRIBUTION OF THE LUMP SUM REFERRED TO IN ARTICLE I OF THIS AGREEMENT FALLS WITHIN THE EXCLUSIVE COMPETENCE OF THE GOVERNMENT OF THE UNITED STATES IN ACCORDANCE WITH SUCH METHODS OF DISTRIBUTION AS IT MAY CHOOSE TO ADOPT, WITHOUT ANY RESPONSIBILITY ARISING THEREFROM FOR THE EGYPTIAN GOVERNMENT.

ARTICLE V

1. THE GOVERNMENT OF THE UNITED STATES DECLARES THAT FULL PAYMENT OF THE LUMP SUM REFERRED TO IN ARTICLE I OF THIS AGREEMENT SHALL FULLY DISCHARGE THE EGYPTIAN GOVERNMENT FROM ITS OBLIGATIONS AND LIABILITIES TO NATIONALS OF THE UNITED STATES IN RESPECT OF ALL

CLAIMS REFERRED TO IN ARTICLE II OF THIS AGREEMENT WHETHER OR NOT  
THEY HAVE BEEN BROUGHT TO THE ATTENTION OF THE EGYPTIAN GOVERNMENT.

2. FOLLOWING UPON THE DISCHARGE OF ITS OBLIGATIONS AND LIABILITIES  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAIRO 11400 02 OF 05 111633Z

TO NATIONALS OF THE UNITED STATES REFERRED TO IN PARAGRAPH 1 ABOVE  
OF THIS ARTICLE, THE EGYPTIAN GOVERNMENT SHALL SUBROGATE TO ALL THE  
LEGAL RIGHTS AND INTERESTS IN PROPERTIES INVOLVED IN SUCH CLAIMS IN  
THE PLACE AND STEAD OF THE CLAIMANTS CONCERNED.

3. AFTER THE ENTRY INTO FORCE OF THIS AGREEMENT, THE GOVERNMENT  
OF THE UNITED STATES WILL NEITHER ESPOUSE NOR PRESENT TO THE EGYPTIAN  
GOVERNMENT THE CLAIMS OF NATIONALS OF THE UNITED STATES WHICH HAVE  
BEEN REFERRED TO IN, AND SETTLED BY, THIS AGREEMENT. IN THE EVENT  
THAT SUCH CLAIMS ARE PRESENTED BY NATIONALS OF THE UNITED STATES  
DIRECTLY AGAINST THE EGYPTIAN GOVERNMENT, THE EGYPTIAN GOVERNMENT  
WILL REFER THEM TO THE GOVERNMENT OF THE UNITED STATES.

#### ARTICLE VI

1. WITH A VIEW TO ASSISTING THE GOVERNMENT OF THE UNITED STATES  
IN ITS DISTRIBUTION TO NATIONALS OF THE UNITED STATES WHO ARE CLAIMANTS  
OF THE SUM TO BE PAID BY THE EGYPTIAN GOVERNMENT, THE EGYPTIAN  
GOVERNMENT WILL, UPON THE WRITTEN REQUEST OF THE GOVERNMENT OF  
THE UNITED STATES, FURNISH AND SUPPLY SUCH INFORMATION, EVIDENCE  
AND RECORDS, INCLUDING DETAILS AS TO THE OWNERSHIP AND VALUE OF  
PROPERTY AND RIGHTS AND INTERESTS IN AND WITH RESPECT TO SUCH PROPERTY,  
AS MAY BE NECESSARY OR APPROPRIATE FOR THAT PURPOSE AND, IN THE  
EVENT THAT SUCH INFORMATION, EVIDENCE AND RECORDS ARE DEEMED  
INSUFFICIENT, PERMIT EXAMINATION BY REPRESENTATIVES OF THE GOVERNMENT  
OF THE UNITED STATES, TO THE EXTENT ALLOWED BY EGYPTIAN  
LAW, OF SUCH INFORMATION, EVIDENCE AND RECORDS IN THE POSSESSION OF  
THE EGYPTIAN GOVERNMENT, REGARDING ANY PROPERTY, RIGHTS AND  
INTERESTS THEREIN CLAIMED TO HAVE BEEN NATIONALIZED, SEQUESTERED,  
EXPROPRIATED, CONFISCATED OR OTHERWISE TO HAVE BEEN SUBJECTED TO  
OTHER RESTRICTIVE MEASURES BY THE ARAB REPUBLIC OF EGYPT, AS WELL  
AS FINANCIAL AND FISCAL MATTERS.

2. WITH A VIEW TO PROTECTING THE EGYPTIAN GOVERNMENT FROM  
FURTHER POTENTIAL CLAIMS WHICH MAY BE ASSERTED THROUGH THIRD  
COUNTRIES, OR OTHERWISE, WITH RESPECT TO THE SAME CLAIMS SETTLED  
BY THIS AGREEMENT, THE GOVERNMENT OF THE UNITED STATES WILL,  
UPON THE WRITTEN REQUEST OF THE EGYPTIAN GOVERNMENT, FURNISH AND  
SUPPLY TO THE EGYPTIAN GOVERNMENT COPIES OF SUCH FORMAL STATEMENT  
CONFIDENTIAL

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PAGE 04 CAIRO 11400 02 OF 05 111633Z

OF CLAIMS AS MIGHT HAVE BEEN MADE BY NATIONALS OF THE UNITED STATES WHO ARE CLAIMANTS, AND COPIES OF DECISIONS WITH RESPECT TO THE VALIDITY AND AMOUNTS OF SUCH CLAIMS.

3. WITH RESPECT TO PARTICULAR CLAIMS FOUND TO BE VALID BY THE GOVERNMENT OF THE UNITED STATES, THE GOVERNMENT OF THE UNITED STATES WILL, UPON THE WRITTEN REQUEST OF THE EGYPTIAN GOVERNMENT, FURNISH AND SUPPLY TO THE EGYPTIAN GOVERNMENT ORIGINAL DOCUMENTS OR OTHER MUNIMENTS OF TITLE THAT MAY BE IN THE POSSESSION OF THE

CONFIDENTIAL

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PAGE 01 CAIRO 11400 03 OF 05 111650Z

43

ACTION L-01

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00

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FM AMEMBASSY CAIRO

TO SECSTATE WASHDC 7836

C O N F I D E N T I A L SECTION 3 OF 5 CAIRO 11400

LIMDIS

GOVERNMENT OF THE UNITED STATES PERTAINING TO THE PROPERTY, RIGHTS AND INTERESTS THEREIN, WHICH HAVE BEEN NATIONALIZED, SEQUESTERED, EXPROPRIATED, CONFISCATED OR OTHERWISE HAVE BEEN SUBJECTED TO OTHER RESTRICTIVE MEASURES BY THE ARAB REPUBLIC OF EGYPT UPON WHICH THE CLAIMS WERE ESTABLISHED, INCLUDING SECURITIES OF JURIDICAL PERSONS OWNED BY THE CLAIMANTS, IF THE PROPERTY OF SUCH JURIDICAL PERSONS SHALL HAVE BEEN NATIONALIZED, SEQUESTERED, EXPROPRIATED, CONFISCATED OR OTHERWISE HAVE BEEN SUBJECTED TO OTHER RESTRICTIVE MEASURES BY THE EGYPTIAN GOVERNMENT. IN THE EVENT THAT A PARTICULAR CLAIM MIGHT NOT HAVE BEEN BASED ON SUCH DOCUMENTS, THE GOVERNMENT OF THE UNITED STATES WILL FURNISH AND SUPPLY TO THE EGYPTIAN GOVERNMENT OTHER COMPETENT EVIDENCE OR A RELEASE EXECUTED BY THE CLAIMANT.

4. THE EGYPTIAN GOVERNMENT WILL, UPON THE WRITTEN REQUEST OF THE GOVERNMENT OF THE UNITED STATES, FURNISH AND SUPPLY COPIES OF ALL ARAB REPUBLIC OF EGYPT LAWS, DECREES OR OTHER RESTRICTIVE MEASURES ENUMERTED IN ARICLE II OF THIS AGREEMENT.

5. EITHER GOVERNMENT WILL FURNISH AND SUPPLY TO THE OTHER GOVERNMENT THE NECESSARY INFORMATION AND APPROPRIATE ASSISTANCE REFERRED TO IN PARAGRAPHS (1), (2), (3) AND (4) ABOVE OF THIS ARTICLE IN ACCORDANCE WITH ANY PROCEDURES THAT MAY BE AGREED TO BY THE TWO GOVERNMENTS.

ARTICLE VII  
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PAGE 02 CAIRO 11400 03 OF 05 111650Z

FOR THE PURPOSES OF THIS AGREEMENT, THE VALUE OF THE EGYPTIAN POUND IS SPECIFIED AT U.S. \$2.55 (TWO DOLLARS AND FIFTY-FIVE CENTS).

ARTICLE VIII

THE PRESENT AGREEMENT SHALL ENTER INTO FORCE FOLLOWING ITS FORMAL SIGNATURE ON THE DAY THAT THE TWO GOVERNMENTS IN AN EXCHANGE OF NOTES CERTIFY THAT THEIR RESPECTIVE CONSITUTIONAL REQUIREMENTS HAVE BEEN COMPLIED WITH.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED THERETO BY THEIR RESPECTIVE GOVERNMENTS HAVE SIGNED THE PRESENT AGREEMENT.

DON AT WASHINGTON, DISTRICT OF COLUMBIA, IN DUPLICATE, IN THE ENGLISH AND ARABIC LANGUAGES, BOTH VERSIONS BEING EQUALLY AUTHENTIC, THIS            DAY OF            ,  
19   .

FOR THE GOVERNMENT OF THE            FOR THE GOVERNMENT OF THE  
UNITED STATES            ARAB REPUBLIC OF EFYPT

END QUOTE

COMMENTS: (A) PREAMBLE: NO CHANGE. (B) ARTICLE I: AMOUNTS OF GLOBAL LUMP SUM OF \$10,000,000(TEN MILLIONS) AND SIX SEMI-ANNUAL PAYMENTS OF US \$1,666,666.66 HAVE BEEN INSERTED. AS PRACTICAL NECESSITY, DATE OF INTITAL PAYMENT HAS BEEN PRUDENTLY AMENDED TO JUNE 10, 1976.

(C) ARTICLE II. EDITORIALY, THIS ARICLE HAS BEEN REARRANGED INTO TWO PARAGRAPHS 1 AND 2. IN GENERAL, THE LANGUAGE AND REFERENCES TO PARTICULAR EGYPTIAN LAWS HAVE BEEN MADE DELIBERATELY VAGUE AT THE INSISTENCE OF THE EGYPT/DEL. THIS DISTRACTIS SOMEWHAT FROM THE DESIRED DRAFTSMANSHIP, BUT IT IS THE



PRICE PAID FOR COMPROMISE AND CONCESSION TO  
EGYPTIAN OPTICS. ARTICLE II RELATES TO EGYPTIAN RESPONSIBILITY.  
AS EXPECTED, EGYPT/DEL INSISTED UPON INSERTION OF LANGUAGE QUOTE  
AND IN VIEW OF PROVISIONS IN SIMILAR AGREEMENTS PREVIOUSLY CON-  
CLUDED BY THE EGYPTIAN GOVERNMENT WITH OTHER GOVERNMENTS  
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PAGE 03 CAIRO 11400 03 OF 05 111650Z

UNQUOTE AND QUOTE THE LUMP SUM REFERRED TO IN ARTICLE I HAS  
BEEN ARRIVED AT IN ACCORDANCE WITH APPLICABLE EGYPTIAN LAWS UNQUOTE.  
IN ADDITION, QUOTE CONFISCATION UNQUOTE HAS BEEN ADDED TO LIST  
OF SPECIFIC EGYPTIAN MEASURES. EXPRESS REFERENCE TO FISCAL AND  
CURRENCY CONTROL REGULATIONS HAS BEEN OMITTED BECAUSE PREVIOUS  
AGREEMENTS CONCLUDED BY EGYPT DID NOT PROVIDE FOR SETTLEMENT OF  
BLOCKED BANK ACCOUNTS, AND IN ORDER TO AVOID INVOCATION OF MOST  
FAVORED NATION TREATMENT BY THOSE COUNTRIES. THE TERM IN SUB-  
PARAGRAPH 2(E) QUOTE APPLICABLE LAWS, DECREES AND REGULATIONS  
UNQUOTE IS VICE ORIGINAL TERM QUOTE EXCHANGE CONTROL  
REGULATIONS UNQUOTE.

(D) ARTICLE III: NO CHANGE EXCEPT FOR DELETION OF DEFINITION OF  
EGYPTIAN NATIONALS BECAUSE IT IS UNNECESSARY.

(E) RTICLE IV: NO CHANGE. (F) ARTICLE V: AT INSISTENCE OF EGYPT/  
DEL TERM QUOTE LIABILITIES UNQUOTE HAS BEEN ADDED TO DISCHARGE  
OF EGYPTIAN OBLIGATIONS. A NEW PARAGRAPH 2 HAS BEEN INSERTED AT  
INSISTENCE OF EGYPT/DEL PROVIDING FOR SUBROGATION OF EGYPTIAN GOV-  
ERNMENT OT ALL THE LEGAL RIGHTS AND INTERESTS IN THE PROPOERIES OF  
THE CLAIMANTS CONCERNED. EGYPT/DEL WANTED THIS PROVISION TO FACILI-  
TATE VESTING OF THESE PROPERTIES IN THE EGYPTIAN STATE. THIS NEW  
PARAGRAPH IS WITHOUT PREJUDICE TO THE USG IN ANY WAY.

(G) ARTICLE VI: NO CHANGE EXCEPT FOR INSERTION OF WORD QUOTE  
CONFISCATION UNQUOTE IN APPROPRIATE PLACES. PURPOSE IS TO MAKE  
THIS ARTICLE CONFORM WITH ARTICLE II WHERE THE SAME WORD HAS BEEN  
ADDED. (H) ARTICLE VII: NO CHANGE EXCEPT THAT OFFICIAL RATE OF  
EXCHANGE HAS BEEN AMENDED TO \$2.55 VICE 2.53. (I) FORMER  
ARTICLE VIII CONCERNING ANNEX HAS BEEN DELETED BECAUSE NONE IS  
NOW CONTEMPLATED. (J) ARTICLE VIII: (FORMER ARTICLE IX) HAS BEEN  
AMENDED TO PROVIDE FOR ENTRY INTO FORCE AFTER FORMAL SIGNATURE  
ON DATE OF EXCHANGE OF NOTES CERTIFYING THAT THE RESPECTIVE CONSTI-  
TUTIONAL REQUIREMENTS OF BOTH COUNTRIES HAVE BEEN COMPLIED WITH.  
(SEE ALSO COMMENT ON DOCUMENT 1, DRAFT AGREED MINUTE IN PARA-  
GRAPH 1 ABOVE).

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 CAIRO 11400 04 OF 05 111700Z

43

ACTION L-01

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00

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TO SECSTATE WASHDC 7837

C O N F I D E N T I A L SECTION 4 OF 5 CAIRO 11400

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3. DOCUMENT 3: TEXT OF DRAFT LETTER FROM THE GOVERNMENT OF  
THE ARAB REPUBLIC OF EGYPT TO THE GOVERNMENT OF THE UNITED STATES  
CONCERNING CLAIM OF THE AMERICAN MISSION IN EGYPT.

QUOTE

DRAFT LETTER FROM THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT TO  
THE GOVERNMENT OF THE UNITED STATES CONCERNING CLAIM OF THE AMERICAN  
MISSION IN EGYPT

EXCELLENCY:

I HAVE THE HONOR TO REFER TO THE AGREEMENT SIGNED TODAY BY THE  
GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT AND THE GOVERNMENT OF  
THE UNITED STATES CONCERNING THE SETTLEMENT OF CLAIMS OF NATIONALS  
OF THE UNITED STATES AGAINST THE GOVERNMENT OF THE ARAB REPUBLIC  
OF EGYPT.

IN CONNECTION WITH THE CLAIM OF THE AMERICAN MISSION IN EGYPT,  
WHICH IS COVERED BY THE AGREEMENT REFERRED TO ABOVE, BOTH OUR  
GOVERNMENT AGREED THAT A SPECIFIC AMOUNT OF THE AGREED LUMP SUM  
OF U.S. \$10,000,000 (TEN MILLIONS) SHALL BE EARMARKED FOR THE  
SETTLEMENT OF THIS CASE, WHICH SHALL BE PAYABLE IN EGYPT IN EGYPTIAN  
POUNDS. THIS SPECIFIC AMOUNT IS COMPENSATION BEING PAID BY THE  
EGYPTIAN GOVERNMENT FOR THE FOLLOWING PROPERTIES AS WELL AS OTHER  
CONSIDERATIONS:

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PAGE 02 CAIRO 11400 04 OF 05 111700Z

(A) ASSIUT "L" - SHAPE LAND OF ABOUT 11,000 SQUARE METERS ON  
GUMHOURIYA STREET TAKEN BY AGRARIAN REFORM AUTHORITY  
UNDER LAW NO 15 OF 1963 AND GIVEN TO THE RELIGIOUS INSITUTE  
FOR YOUN AZHAR GIRLS ON APRIL 13, 1974;

(B) ASSIUT ZONE PLAYGROUND OF ABOUT 16,000 SQUARE METERS ON THARRA AND MAKHANA STREETS TAKEN BY AGRARIAN REFORM AUTHORITY, WHICH IS BEING USED BY THE MINISTRY OF EDUCATION;

(C) ASSIUT GIRLS COLLEGE, LAND ON GIRLS COLLEGE STREET OF ABOUT 4,600 SQUARE METERS TAKEN BY THE AGRARIAN REFORM AUTHORITY; AND

(D) PROPERTY NO 72 IN COURTS SQUARE ON GUMHOURIYYA STREET IN ASSIUT OF ABOUT 3,240 SQUARE METERS TAKEN UNDER LAW NO 577 OF 1952 FOR PUBLIC UTILITY.

THIS AMOUNT IS TO BE DISTRIBUTED BY THE GOVERNMENT OF THE UNITED STATES WITHIN ITS EXCLUSIVE COMPETENCE IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THE SAID AGREEMENT.

WITH REGARD TO THE NEW FAITH GENERAL HOSPITAL (EX-AMERICAN HOSPITAL) IN ASSIUT, WHICH IS UNDER LEASE FOR 3 YEARS WITH THE MINISTRY OF HEALTH UNTIL DECEMBER 31, 1977, AND THE MILITARY HOSPITAL IN URE HALL IN BOYS PREPARATORY SCHOOL, ASSIUT, WHICH IS BEING USED BY THE EGYPTIAN ARMY AS A MILITARY HOSPITAL, THE RESPONSIBLE EGYPTIAN AUTHORITIES CONCERNED WILL FAITHFULLY PERFORM AND EXECUTE THE AGREEMENTS IN FORCE PERTAINING TO THEM. UPON THE TERMINATION OF THE APPLICABLE AGREEMENTS, THE RESPONSIBLE EGYPTIAN AUTHORITIES CONCERNED WILL MAKE MUTUALLY SATISFACTORY ARRANGEMENTS WITH THE AMERICAN MISSION IN EGYPT CONCERNING THE FUTURE USE AND DISPOSITION OF THE SAID PREMISES.

FURTHER, THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT WILL TAKE APPROPRIATE STEPS TO SETTLE AMICABLY ALL TAX CLAIMS OF WHATSOEVER NATURE WHICH MAY BE PENDING AGAINST THE AMERICAN MISSION IN EGYPT, INCLUDING BUT NOT LIMITED TO THE CLAIM OF THE EGYPTIAN TAX AUTHORITIES FOR BACK INCOME TAXES IN THE AMOUNT OF LE 118,542.894 FOR THE PERIOD 1939-1967. IN THE EVENT THAT NO SATISFACTORY ARRANGEMENTS HAVE BEEN MADE WITHIN A REASONABLE PERIOD TO SETTLE THIS MATTER, THE AMERICAN MISSION IN EGYPT WILL HAVE THE RIGHT TO CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAIRO 11400 04 OF 05 111700Z

RAISE IT FOR THE FURTHER CONSIDERATION OF THE TWO GOVERNMENTS.

I WOULD BE GRATEFUL IF YOUR EXCELLENCY WOULD CONFIRM THAT THE GOVERNMENT OF THE UNITED STATES IS IN ACCORD WITH THE FOREGOING.

ACCEPT, EXCELLENCY, THE ASSURANCES OF MY HIGHEST CONSIDERATION.  
END OF QUOTE.

COMMENT: AMENDMENT MADE IN PARAGRAPH 2 PROVIDING FOR DESCRIPTION OF THE 4 PIECES OF PROPERTY THAT WERE TAKEN AND WERE BEING COMPENSATED. EXCEPT AS NOTED, NO OTHER CHANGES ARE MADE.

4. DOCUMENT 4: TEXT OF DRAFT REPLY FROM THE GOVERNMENT OF  
THE UNITED STATES TO THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT.

QUOTE

DRAFT REPLY FROM THE GOVERNMENT OF THE UNITED STATES TO THE  
GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT

EXCELLENCY:

I HAVE THE HONOR TO ACKNOWLEDGE THE RECEIPT OF YOUR LETTER  
OF TODAY'S DATE WHICH IN THE ENGLISH TRANSLATION READS AS FOLLOWS:

(COPY VERBATIM)

I HAVE THE HONOR TO INFORM YOU THAT THE GOVERNMENT OF THE  
UNITED STATES AGREES THAT YOUR LETTER CONTAINS THE CORRECT UNDER-  
STANDING OF BOTH OUR GOVERNMENTS CONCERNING THE CASE IN QUESTION.

ACCEPT, EXCELLENCY, THE ASSURANCES OF MY HIGHEST CONSIDERATION.  
END OF QUOTE

5. DOCUMENT 5: TEXT OF DRAFT MEMORANDUM OF UNDERSTANDING  
CONCERNING OUTSTANDING CLAIMS.

QUOTE

DRAFT MEMORANDUM OF UNDERSTANDING CONCERNING OUTSTANDING CLAIMS

1. WITH RESPECT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ARAB  
REPUBLIC OF EGYPT CONCERNING CLAIMS OF NATIONALS OF THE UNITED  
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PAGE 04 CAIRO 11400 04 OF 05 111700Z

STATES SIGNED TODAY, BOTH GOVERNMENTS UNDERSTAND AND AGREE THAT,  
NOTWITHSTANDING ANY PROVISION OR LANGUAGE TO THE CONTRARY  
APPEARING IN THE REFERENCED AGREEMENT, AND WITHOUT PREJUDICE  
TO THE VALIDITY OF SUCH CLAIMS, OR THE POSITIONS OF EITHER

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PAGE 01 CAIRO 11400 05 OF 05 111712Z

ACTION L-01

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00

SP-02 EB-03 TRSE-00 OMB-01 NEA-06 /038 W

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R 111517Z NOV 75

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC 7838

C O N F I D E N T I A L SECTION 5 OF 5 CAIRO 11400

LIMDIS

GOVERNMENT THERON, THE FOLLOWING ENUMERATED OFFICIAL CLAIMS OF THE GOVERNMENT OF THE UNITED STATES AND CERTAIN SPECIFIC PRIVATE CLAIMS OF NATIONS OF THE UNITED STATES REMAIN OUTSTANDING AND HAD BEEN EXCLUDED FROM THE REFERENCED AGREEMENT:

(A) OFFICIAL CLAIMS OF THE GOVERNMENT OF THE UNITED STATES. ALL OFFICIAL CLAIMS OF THE GOVERNMENT OF THE UNITED STATES INCLUDING BUT NOT LIMITED TO

(I) DEPARTMENT OF AGRICULTURE, FOOD FOR PEACE CLAIMS OF THE CATHOLIC RELIEF SERVICES AND CARE.

(II) CLAIMS OF THE GOVERNMENT OF THE UNITED STATES FOR DAMAGE ARISING OUT OF ATTACKS IN 1967 ON (A) THE USIS LIBRARY IN ALEXANDRIA, (B) THE AMERICAN CONSULATE GENERAL BUILDING IN ALEXANDRIA, AND (C) THE AMERICAN CONSULATE BUILDING IN PORT SAID.

(III) CLAIM OF THE GOVERNMENT OF THE UNITED STATES (U.S. NAVY) IN RESPECT OF THE DETENTION OF THE SS AFRICAN GLEN IN THE SUEZ CANAL IN THE PERIOD 1967-1970.

(IV) BLOCKED ACCOUNTS IN EGYPTIAN BANKS IN THE NAME OF THE GOVERNMENT OF THE UNITED STATES, ITS DEPARTMENTS AND AGENCIES.

(B) PRIVATE CLAIMS OF NATIONALS OF THE UNITED STATES.  
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PAGE 02 CAIRO 11400 05 OF 05 111712Z

(I) CLAIM OF FARRELL LINES, INC., IN RESPECT OF THE DETENTION OF THE SS AFRICAN GLEN IN THE SUEZ CANAL IN THE PERIOD 1967-1970; AND

(II) CLAIM OF MR. ARTHUR LIMAN, TRUSTEE IN BANKRUPTCY OF EIGHT SHIPPING COMPANIES FORMERLY CONTROLLED BY MANUEL KULUKUNDIS IN PROCEEDINGS IN THE UNITED

STATES DISTRICT COURT FOR THE DISTRICT OF NEW YORK  
(MATTER SEA TRADE CORPORATION, ET AL 63-B-216) TO FUNDS  
IN THE NATIONAL BANK OF EGYPT IN THE NAME OF THE TREASURY  
OF THE PORT SAID HIGH COURT (COMMERCIAL) IN PROCEEDINGS  
IN RESPECT OF THE FORMER SS BRIDGEHAMPTON, AN EX-U.S.  
VESSEL. BOTH OF THESE CASES ARE NOT COVERED BY EGYPTIAN  
LAND REFORM, NATIONALIZATION, SEQUESTRATION AND CONFIS-  
CATION MEASURES.

(III) CLAIMS OF U.S. NATIONALS FOR CONTRACTUAL AND  
DEBT OBLIGATIONS AGAINST THE EGYPTIAN GOVERNMENT WHICH  
ARE NOT COVERED BY EGYPTIAN LAND REFORM, NATIONALIZATION,  
SEQUESTRATION AND CONFISCATION MEASURES.

2. THE GOVERNMENT OF THE UNITED STATES AND OF THE ARAB REPUBLIC  
OF EGYPT AGREE THAT THE AFOREMENTIONED OFFICIAL CLAIMS OF THE GOVERN-  
MENT OF THE UNITED STATES AND THE PRIVATE CLAIM OF FARRELL LINES,  
INC., AS WELL AS THE OTHER CLAIMS MENTIONED ABOVE, SHALL BE THE  
SUBJECT OF NEGOTIATIONS THROUGH DIPLOMATIC CHANNELS BETWEEN THE TWO  
GOVERNMENTS AT AN EARLY DATE TO BE MUTUALLY AGREED UPON.

DONE AT WASHINGTON, DISTRICT OF COLUMBIA, IN THE  
ENGLISH AND ARABIC LANGUAGES, BOTH VERSIONS BEING EQUALLY  
AUTHENTIC, THIS      DAY OF      197 .

FOR THE GOVERNMENT OF THE      FOR THE GOVERNMENT OF  
UNITED STATES      ARAB REPUBLIC OF EGYPT

END OF QUOTE

COMMENT: (A) AT INSISTENCE OF EGYPT/DEL TITLE OF DRAFT MEMORANDUM  
HAS BEEN RESTRICTED TO MENTIONING OF OUTSTANDING CLAIMS, WITHOUT  
SPECIFYING OFFICIAL AND PRIVATE CLAIMS. EGYPT/DEL CLAIMS THIS IS  
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PAGE 03 CAIRO 11400 05 OF 05 111712Z

NECESSARY IN ORDER TO AVOID PROBLEMS IN EGYPTIAN ASSEMBLY.

(B) FORMER SUBPARAGRAPH 1 (B) (III) CONCERNING RESERVATIONS ON  
UNKNOWN/UNLISTED BLACKED BANK ACCOUNTS OF U.S. NATIONALS DURING  
PERIOD COVERED BY THE AGREEMENT WAS DELETED AT INSISTENCE OF EGYPT/  
DEL. AS PREVIOUSLY REPORTED GOE WANTED ENTIRE SLATE OF PRIVATE CLAIMS  
WIPED CLEAN EXCEPT FOR THE TWO EXPRESSLY RESERVED (FARRELL LINES  
AND TRUSTEE IN BANKRUPTCY LIMAN).

(C) NEW SUBPARAGRAPH 1 (B) (III) HAS BEEN INSERTED CONCERNING  
RESERVATION FOR FUTURE NEGOTIATIONS OF CLAIMS OF U.S. NATIONS FOR  
CONTRACTUAL AND DEBT OBLIGATIONS.

(D) NEW LANGUAGE TO THE EFFECT THAT THE CASES RESERVED QUOTE  
ARE NOT COVERED BY EGYPTIAN LAND REFORM, NATIONALIZATION, SEQUES-

TRATION AND CONFISCATION MEASURES UNQUOTE WAS INSERTED AT INSISTENCE OF EGYPT/DEL IN SUBPARAGRAPHS 1(B) (II) AND (III). EGYPT/DEL CLAIMS THIS NECESSARY FOR OPTICS AND TO AVOID PROBLEMS IN EGYPTIAN ASSEMBLY.

(E) IN SUBPARAGRAPH 1(A)(IV) NEW LANGUAGE QUOTE ITS DEPARTMENTS AND AGENCIES UNQUOTE WAS INSERTED BY US/DEL FOR CLARITY.

(F) IN PARAGRAPH 2, NEW LANGUAGE QUOTE AS WELL AS OTHER CLAIMS MENTIONED ABOVE UNQUOTE WAS ADDED BY US/DEL FOR CLARITY.

(G) FORMER PARAGRAPH 3 CONCERNING RELEASE OF FUTURE BLOCKED BANK ACCOUNTS OF U.S. NATIONALS ARISING AFTER THE ENTRY INTO FORCE OF

THE AGREEMENT WAS DELETED AT INSISTENCE OF EGYPT/DEL. AS PREVIOUSLY REPORTED (CAIRO 10731 AND 10733) SUCH ACCOUNTS WOULD BE SUBJECT TO APPLICABLE EGYPTIAN FISCAL/EXCHANGE CONTROL REGULATIONS THE SAME AS OTHER ALIENS.

6. ALL FOREGOING AMENDMENTS ARE IN CONFORMITY WITH STANDING INSTRUCTIONS AS AMENDED. THE DRAFT AGREEMENT AD REFERENDUM WOULD ATTAIN ALL OBJECTIVES OF THE PRESENT MISSION.

7. ACCORDING TO EGYPT/DEL AGREED FINAL TEXT OF DRAFT AGREEMENT CONSISTING OF FIVE DOCUMENTS REFERRED TO ABOVE WOULD BE SUBMITTED AFTER FORMAL SIGNATURE TO THE EGYPTIAN ASSEMBLY FOR APPROVAL. AFTER CONFIDENTIAL

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PAGE 04 CAIRO 11400 05 OF 05 111712Z

SUCH APPROVAL HAS BEEN GIVEN THERE WILL BE A FURTHER EXCHANGE OF NOTES REGARDING COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS, AFTER WHICH THE AGREEMENT WILL ENTER INTO FORCE. ACCORDING TO THE EGYPTIAN/DEL THE DRAFT AGREEMENT AD REFERENDUM WOULD BE UNCLASSIFIED, REPEAT UNCLASSIFIED. HOWEVER, ONLY THE AGREEMENT ITSELF (DOCUMENT 2) WOULD BE PUBLISHED. DOCUMENTS 1,3,4 AND 5 WOULD NOT REPEAT NOT BE PUBLISHED, EVEN THOUGH THEY WOULD HAVE BEEN SUBMITTED TO THE EGYPTIAN ASSEMBLY.

8. AFTER RECEIPT BY EMBASSY OF DEPARTMENT'S CLEARANCE OF TEXTS OF DOCUMENTS IN QUESTION, AND AUTHORIZATION TO INITIAL THE DRAFT AGREEMENT AD REFERENDUM, EMBASSY AND GOE WOULD IN THE FIRST INSTANCE ASSUME RESPONSIBILITY FOR CONFORMING OF THE ENGLISH AND ARABIC VERSIONS UNLESS INSTRUCTED OTHERWISE BY THE DEPARTMENT.

9. ACTION REQUESTED (A) EMBASSY REQUESTS THAT THE DEPARTMENT REVIEW THE TEXTS OF THE FIVE DOCUMENTS TRANSMITTED AND TRANSMIT PROMPTLY ANY COMMENTS, VIEWS, CHANGES OR FURTHER INSTRUCTIONS.

(B) ACCORDINGLY THE AMBASSADOR BE AUTHORIZED TO INITIAL THE DRAFT AGREEMENT AD REFERENDUM.

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CLAIMS, AGREEMENT DRAFT, TEXTS, DEBT REPAYMENTS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 11 NOV 1975  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** woolflhd  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Original Handling Restrictions:** LIMDIS  
**Original Previous Classification:** n/a  
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**Previous Handling Restrictions:** LIMDIS  
**Reference:** 75 CAIRO 10933, 75 STATE 255450  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** woolflhd  
**Review Comment:** n/a  
**Review Content Flags:**  
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**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** US CLAIMS AGAINST EGYPT: REQUEST FOR AUTHORIZATION TO INITIAL FINAL DRAFT AGREEMENT AND REFERENDUM  
**TAGS:** EFIN, EG  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006